

EXHIBIT 1

01HsCAR1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
-----x

3 E. JEAN CARROLL,

4 Plaintiff,

5 v.

20 CV 7311 (LAK)

6 DONALD J. TRUMP, in his personal capacity,

7 Defendant.

TRIAL

8 -----x
9 New York, N.Y.
10 January 17, 2024
11 10:00 a.m.

12 Before:

13 HON. LEWIS A. KAPLAN,

14 District Judge

15 APPEARANCES

16 KAPLAN HECKER & FINK LLP
17 Attorneys for Plaintiff
18 BY: ROBERTA ANN KAPLAN
19 SHAWN G. CROWLEY
20 MATTHEW J. CRAIG

21 HABBA MADAIO & ASSOCIATES LLP
22 Attorneys for Defendant
23 BY: ALINA HABBA
24 MICHAEL T. MADAIO
25 PETER SWIFT
PETER GABRA

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Carroll - Direct

1 was your reputation in the world?

2 A. Well, I'm 80 years old. So I spent 50 years building a
3 reputation as a magazine journalist both in articles and as an
4 advice columnist. My column was very popular. People
5 appreciated my articles because I stuck to the truth and used
6 the facts.

7 Q. And I think you just testified a minute ago, Ms. Carroll,
8 that as a result of Mr. Trump's defamation, your reputation was
9 shattered.

10 How was it shattered after June 2019?

11 A. Well, yesterday -- I haven't looked today -- but yesterday,
12 I opened up Twitter and it said, Hey lady, you're a fraud.

13 So, previously, I was known as simply as a journalist
14 and had a column, and now I'm known as the liar, the fraud, and
15 the whack job.

16 Q. Now, you testified that in addition to being a writer,
17 Ms. Carroll, you're also an advice columnist, is that correct?

18 A. Yes.

19 Q. And is reputation important to an advice columnist?

20 A. Well, yes. People are not dying to write to an advice
21 columnist who the president says is a disgrace. People write
22 to advice columnists because they want to get tips and get
23 their problems solved so they can live delightfully and not,
24 like, disgracefully.

25 Q. Now, Ms. Carroll, is this the first time you have sat in

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Carroll - Direct

1 MS. HABBA: Objection.

2 THE COURT: On what ground?

3 MS. HABBA: Speculation. It's not the definition.
4 She's assuming.

5 THE COURT: Overruled. You can cross-examine.

6 Q. Now, Ms. Carroll, we've just looked at three statements
7 from Donald Trump, then the president of the United States,
8 over a very brief period in June of 2019?

9 A. Yes.

10 Q. Can you tell the jury, what did it feel like to have the
11 president of the United States say those kind of things about
12 you at that time in June?

13 A. Well, to have the president of the United States, one of
14 the most powerful persons on earth, calling me a liar for
15 three days and saying I'm a liar 26 times -- I counted them --
16 it ended the world that I had been living in, and I -- and a
17 new world.

18 Q. In terms of that new world, Ms. Carroll, what happened to
19 you after Donald Trump made those statements?

20 A. I was attacked.

21 (Continued on next page)

22

23

24

25

01GQcar2

Carroll - Direct

1 BY MS. KAPLAN: (Continued)

2 Q. How were you attacked?

3 A. I was attacked on Twitter. I was attacked on Facebook I
4 was attacked in news blogs. I was brutally attacked in
5 messages. As I said, it was a new world. I had left the world
6 of facts, a lovely world, and I was living in a new universe.

7 Q. How quickly did those attacks happen, Ms. Carroll?

8 A. Instantaneously.

9 Q. And how did you know that those attacks were the result of
10 what Mr. Trump had said?

11 A. Because many of the -- much of the wording that people used
12 repeated Donald Trump's words.

13 Q. I'm going to show you for identification, Ms. Carroll, a
14 document that's been marked as Plaintiff's Exhibit 59. And,
15 again, without divulging the contents, can you just identify
16 what this document is?

17 A. Yes, this is a Facebook chat.

18 Q. To whom was it addressed?

19 A. To me.

20 MS. KAPLAN: Plaintiff moves for the admission of 59,
21 your Honor.

22 THE COURT: Received.

23 (Plaintiff's Exhibit 59 received in evidence)

24 Q. Do you know the person who sent this to you, Ms. Carroll?

25 A. No.

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Carroll - Direct

1 MS. KAPLAN: Plaintiff moves for the admission of 71,
2 your Honor.

3 THE COURT: It's received.

4 (Plaintiff's Exhibit 71 received in evidence)

5 Q. And what is the date this message was sent, Ms. Carroll?

6 A. This is the Monday, June 24, 2019.

7 Q. Does the person who sent this message say anything that we
8 haven't seen in the prior messages?

9 A. Yes. He talks about how ashamed I should be for making up
10 a fake story because I make it so much harder on the true
11 victims of abuse.

12 Q. Did Donald Trump say anything like that?

13 A. Yes.

14 Q. Before June 2019, Ms. Carroll, on your Ask E. Jean email
15 account that we just looked at, did you receive emails that
16 were critical of your column?

17 A. Oh, yeah.

18 Q. What kind of criticisms were they?

19 A. Well, if I advised -- let's say I advised a husband how to
20 fight with his wife, not to let it get out of bounds, maybe the
21 husband's sister wrote in and said, "Listen, I gave him better
22 advice than you did and this is what I said." So I tended to
23 like those because I became a better advice -- I learned a lot
24 from my correspondence because it kept me in line and would
25 always tell me that they're -- you know, they would give me

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Carroll - Direct

1 ideas about how to answer the next question better.

2 Q. Before June 2019, Ms. Carroll, did you ever receive
3 messages like the three we just looked at on your Ask E. Jean
4 email account or anywhere else?

5 A. Never.

6 Q. How did receiving messages like this, Ms. Carroll, make you
7 feel?

8 A. Well, I thought I -- I thought I had lost something very
9 important. Here's the thing. I understand that people have
10 lost a lot more than I have. I understand that people have
11 been through a lot more than I have ever been through in my
12 life, but this laid me low. It -- it was so unexpected from a
13 place where I felt that I was doing well in the world and
14 helping people.

15 Q. Did the messages like this continue, Ms. Carroll?

16 A. They've never stopped.

17 Q. How often do you receive them?

18 A. All the time.

19 Q. When you say "all the time," every day?

20 A. Yes. Scores and scores, sometimes hundreds a day.

21 Q. Do the messages that you have been receiving since
22 June 2019 share any common themes?

23 A. Yes.

24 Q. What are those themes?

25 A. You're a liar. You hurt victims. You are ugly. Those are

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Carroll - Direct

1 A. It means that she wants me to receive this message and know
2 how ugly I am and what a liar I am.

3 Q. Did you respond to this message, Ms. Carroll?

4 A. No.

5 Q. Now, you'll see, especially on the bottom one from July, it
6 talks about answering to God?

7 A. Yes.

8 Q. Did you get messages that talked about you answering to
9 God?

10 A. Yes.

11 Q. Can you explain?

12 A. Well, they want God to punish me. Not want God. Know God.
13 They know God will punish me. Other people want the devil to
14 punish me. It goes both ways.

15 Q. I'm going to ask Mr. Termonfils to put up another document,
16 Ms. Carroll. It's Plaintiff's 45 for identification.

17 Again, if you could just tell us what type of document
18 this is?

19 A. This is an email.

20 Q. To whom was it addressed?

21 A. Ask E. Jean.

22 MS. KAPLAN: Plaintiff moves for the admission of 45,
23 your Honor.

24 THE COURT: Received.

25 (Plaintiff's Exhibit 45 received in evidence)

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Carroll - Direct

1 Q. This is the same Ask E. Jean column we were talking about
2 before?

3 A. Yes.

4 Q. What's the date on here?

5 A. June 23.

6 Q. Is this person asking you for advice?

7 A. No. Quite the contrary, I remember this email because it
8 hurt my feelings because she said she wasn't going to ask me
9 for any advice.

10 Q. Why did that hurt your feelings?

11 A. My whole career, my whole reason for being a happy person
12 is I feel like I'm giving good advice and helping people.

13 Q. Ms. Carroll, this email asked you how much George Soros
14 paid you to lie about president Trump. Do you see that?

15 A. Yes.

16 Q. Do you know who George Soros is?

17 A. Yes.

18 Q. Who is he?

19 A. He's a very rich old man.

20 Q. Have you ever met George Soros?

21 A. No.

22 Q. Have you ever been to a party where George Soros was there?

23 A. No.

24 Q. Did George Soros pay you to lie about Donald Trump?

25 A. No.

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Carroll - Direct

1 (Jury present)

2 THE COURT: A little earlier Plaintiff's Exhibit 6 was
3 received. There was then an objection. One page of it may
4 have been exhibited to the jury. I'm going to strike Exhibit 6
5 now without prejudice to its being offered at a subsequent
6 time, and the jury, unless it is received in evidence, will
7 disregard it.

8 MS. KAPLAN: Thank you, your Honor.

9 THE COURT: Let's continue. You may continue,
10 Ms. Kaplan.

11 BY MS. KAPLAN:

12 Q. Mr. Termonfils, can you please put up for Ms. Carroll
13 Plaintiff's Exhibit 85.14 Ms. Carroll, do you recognize the document in front of
15 you?

16 A. Yes, it's a tweet.

17 Q. And who posted the original tweet?

18 A. I did.

19 MS. KAPLAN: Your Honor, plaintiff moves for the
20 admission of Plaintiff's Exhibit 85.

21 THE COURT: Received.

22 (Plaintiff's Exhibit 85 received in evidence)

23 Q. Ms. Carroll, what is the date of the tweet here that you
24 posted?

25 A. June 20, 2019.

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Carroll - Direct

1 Q. How does that relate in time to Mr. Trump's statements?

2 A. This is two days beforehand.

3 Q. Just so the record is clear, let me make sure we have that
4 right.

5 A. It's one day. He made the statement June 21. This is
6 June 20.

7 Q. What is this tweet, what's it about?

8 A. I'm offering advice. That's a picture of Zelda Fitzgerald.
9 I'm saying the best way to deal with heartache is a 6,000-mile
10 road trip.

11 Q. Is there a reply to your tweet, Ms. Carroll?

12 A. Yes.

13 Q. And when was the reply posted?

14 A. June 21, 2019.

15 Q. And is there anything in this reply, Ms. Carroll, in terms
16 of the statements about you that we haven't seen before?

17 A. Pretty much hit all the high spots.

18 Q. Does this reply tweet talk about your mental health?

19 A. Yes. Psychological messed up to lie about something to
20 draw sales to the book.

21 Q. Is the theme you were psychologically messed up, is that a
22 theme that you saw in tweets in other messages that you
23 received?

24 A. Continually.

25 Q. How, if at all, Ms. Carroll, did the messages you received

01GQcar2

Carroll - Direct

1 following June 2019 comment on your appearance?

2 A. Many. Many. Many commented on the way I look.

3 Q. What kinds of things did they say?

4 A. Oh, well, just I'm too ugly to go on living.

5 Q. How did receiving messages like that make you feel?

6 A. It makes it hard for a girl to get up in the morning,
7 really. To put on some lipstick, I will avoid a mirror. You
8 know, it makes me feel bad. I know I'm old. I know I'm 80. I
9 know I'm not a pretty, young woman, but it makes it tough to
10 get on with the day when you open up to see what the breaking
11 news is, and people see you ugly, scrawny, hag, and so that's
12 not a good way to start the day.

13 Q. Let's take a look -- if you could put up, Mr. Termonfils,
14 Plaintiff's Exhibit 43 for Ms. Carroll.

15 Ms. Carroll, what kind of a document is this?

16 A. This is an email.

17 Q. Was it sent to you?

18 A. It's sent to my personal email.

19 MS. KAPLAN: Plaintiff moves for the admission of 43,
20 your Honor.

21 THE COURT: Received.

22 (Plaintiff's Exhibit 43 received in evidence)

23 Q. Ms. Carroll, do you have any idea -- do you know the person
24 who sent this to you?

25 A. No.

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Carroll - Direct

1 A. Yes, this is a Facebook message.

2 Q. To whom was it addressed?

3 A. This is to me.

4 MS. KAPLAN: Plaintiff moves for admission of 126.

5 THE COURT: Received.

6 MS. KAPLAN: I'm wrong. 128. I'm wrong.

7 THE COURT: 128 is received, not 126.

8 (Plaintiff's Exhibit 128 received in evidence)

9 Q. Ms. Carroll, was this message you're looking at now
10 different than some of the messages you received?

11 A. Yes.

12 Q. How and why? Compound. I object to my own question.
13 How was it different?

14 A. This person wants me to know it's not himself who is
15 threatening me, but his friend wants to kill me and this man
16 cannot stop him.

17 Q. If you could put up in front of Ms. Carroll - now I'm on
18 the right number, Mr. Termonfils - plaintiff's 126.

19 Before we get there, in addition to threats of killing
20 you, did you receive any other threats of violence?

21 A. Yes.

22 Q. What kind of violence?

23 A. Raping. Raping me.

24 Q. Mr. Termonfils, if you could put up in front of Ms. Carroll
25 Plaintiff's 126, please.

01GQcar2

Carroll - Direct

1 Ms. Carroll, do you recognize this document?

2 A. Yes, I do.

3 Q. What type of document is it?

4 A. This is a Facebook message.

5 Q. To whom was it sent?

6 A. Me.

7 MS. KAPLAN: Plaintiff moves for the admission of 126,
8 your Honor.

9 THE COURT: Received.

10 (Plaintiff's Exhibit 126 received in evidence.

11 Q. What's the date on this one?

12 A. This is one day after last year's trial.

13 Q. What does this person want to have happen to you?

14 A. Rape and murder.

15 Q. Now, if you look below the main message, it says something.
16 What does it mean, the second paragraph?

17 A. It means Jack Daniels Melissa tried to call me.

18 Q. Did you ever speak to that person?

19 A. No.

20 Q. Mr. Termonfils, can you show Ms. Carroll Plaintiff's 114.

21 Ms. Carroll what type of document is this?

22 A. This is an email to my Ask E. Jean.

23 Q. What's the date?

24 A. September 9, 2023.

25 MS. KAPLAN: Plaintiff moves for the admission of 114,

01GQcar2

Carroll - Direct

1 your Honor.

2 THE COURT: 114 received.

3 (Plaintiff's Exhibit 114 received in evidence)

4 Q. How many months after the trial was over -- we've just been
5 looking at ones for May. How many months later is this one?

6 A. Three and a half months -- four months.

7 Q. I'm going to show you two more, but I'm going to do them at
8 once, Ms. Carroll, if you don't mind.

9 Mr. Termonfils, can you put up in front of
10 Ms. Carroll - they're both short - Plaintiff's 124 and
11 Plaintiff's 130. And maybe if you could go to the second page.

12 Ms. Carroll, do you recognize what these documents
13 are?

14 A. Yes.

15 Q. What are they?

16 A. They're Facebook messages.

17 MS. KAPLAN: Plaintiff moves for the admission of 124
18 and 130, your Honor.

19 THE COURT: They're received.

20 (Plaintiff's Exhibits 124 and 130 received in
21 evidence)

22 A. I'm sorry that people in the courtroom have to see this
23 picture.

24 Q. Ma'am, I'm sorry to have to ask you about it, Ms. Carroll,
25 but when you got a message like these, how would you react?

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Carroll - Direct

1 A. I'm -- the image would flash into my mind. I couldn't help
2 but picture it. I couldn't help but feel it was imminent. The
3 heart would, you know, constrict and start to pound, and it's
4 funny, the body believes it's going to happen. My brain knows
5 it's just a picture, don't worry, but my body thinks something
6 entirely different. It feels like it's going to happen.

7 Q. So, Ms. Carroll, when we looked at some of the earlier
8 messages talking about you being ugly or a liar, some of those
9 were posted on public media sites?

10 A. Yes.

11 Q. The messages threatening violence are all sent to you
12 privately. Is that correct?

13 A. Yes.

14 Q. Do you understand what the reason for that is?

15 A. Well, they would be not allowed to put on public social
16 media these kinds of threats.

17 Q. So we've seen some pretty horrible messages, Ms. Carroll,
18 and the question I have to ask is, why didn't you just delete
19 your social media account?

20 A. Well, social media is my lifeblood. It's where I'm
21 connected with my family and friends. It's where I see -- you
22 know, I could watch my nephew win his swimming race. I could
23 see my friend's sweater she knit. And as a journalist, it's
24 where I publish my latest pieces. It's where I read page. My
25 favorite journalists are on social media. It's where I see

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Carroll - Direct

1 BY MS. KAPLAN:

2 Q. Is it remote where you live?

3 A. Yes.

4 Q. Do you live alone?

5 A. Yes. Well, with my dogs.

6 Q. And since you started getting messages like these, what, if
7 any, steps have you taken to protect yourself?8 A. Well, I have a pit bull, rescue. He's a great dog, but I
9 never, never had him off the leash. When the first threats
10 came in, I let him off the leash, and he now patrols the place,
11 I must say, very eagerly and enthusiastically.

12 Q. And how do you make sure that he stays on your property?

13 A. Put in an electronic fence.

14 Q. And what other steps have you taken?

15 A. I alerted the neighbors to be on the watch and I bought
16 bullets for the gun I had inherited from my father.

17 Q. Where do you keep that gun?

18 A. By my bed.

19 Q. Are there any steps you take, Ms. Carroll, when you're
20 driving?21 A. There is hardly a moment in the day when I don't take steps
22 to be aware of what is going on. Driving, I watch before I
23 pull out of my driveway. I pay attention to everything going
24 on around me, who is behind me, who is in front of me. I am
25 hyperalert.

01HsCAR3

Carroll - Direct

1 Q. What about when you run errands?

2 A. Yes. Choosing a parking place, looking to see who's
3 around, looking to see if I should open the car door, should I
4 drive on, doing the errand. And then, on the way home, making
5 sure nobody is following me. If a car turns into my road
6 behind me, I never stop at my house. I drive to the end of it,
7 to the road.

8 Q. Have there been any instances where you changed your
9 behavior because of these security concerns you have?

10 A. I change direction a lot. There was also a time at the
11 grocery, I had parked in a really safe space. I had gone to
12 the grocery. I had done two weeks' worth of shopping. I had
13 the cart filled to the brim.

14 I'm on the way out to my car with the cart, and I see
15 a man leaning against my car like this, he was wearing a brown
16 shirt and brown pants, waiting for me. So I backed up with my
17 cart and went back in the grocery and stood behind the wall and
18 watched for him to leave. And as soon as he walked away and I
19 hadn't seen him anyplace else, then I quickly exited the store,
20 got in my car, and drove home.

21 When I arrived in the driveway and opened my car door,
22 I discovered I had left my entire cart of groceries in the
23 grocery store. That's how hyperalert I am. I was way more
24 attentive to my surroundings than I was to the food I had just
25 bought.

01HsCAR3

Carroll - Direct

1 Q. Have the security measures that you have been talking
2 about, Ms. Carroll, have they been effective?

3 A. Yes.

4 Q. Do you have personal security with you at this trial?

5 A. Yes.

6 Q. Did you have personal security with you at the last trial?

7 A. Yes.

8 Q. Have you thought about having personal security with you
9 more often?

10 A. Many times.

11 Q. Why don't you?

12 A. I can't afford it.

13 Q. Did you report any of the threatening messages you received
14 or others that you may have received, did you report any of
15 them to the police?

16 A. No.

17 Q. Why not?

18 A. I would be reporting stuff to the police -- I wouldn't do
19 it. It wouldn't do any good.

20 Q. Why wouldn't it do any good?

21 A. There is nothing they can do about it.

22 Q. Ms. Carroll, any of the messages that we looked at today or
23 any other messages like them, threatening you with violence,
24 did you share any of those messages with your friends?

25 A. No.

01HQcar4

Carroll - Direct

1 A. Yes.

2 Q. Have you gotten used to -- by now, have you gotten used to
3 receiving attacks like that?4 A. Never. I will never -- never get used to attacks like
5 that.6 Q. But as we've touched on, you also received positive
7 messages after the verdict?

8 A. Yes. Yes.

9 Q. And from time to time, people would recognize you and
10 congratulate you on the verdict?

11 A. Yes.

12 Q. And positive articles were written in the media?

13 A. Yes.

14 Q. Didn't that fix your reputation for you, Ms. Carroll?

15 A. No.

16 Q. Why not?

17 A. Because so many more people hated me.

18 Q. Would you say, Ms. Carroll, that you're more famous since
19 you sued Donald Trump?

20 A. Yes. I'm better known.

21 Q. And are you better known by people who admire you or people
22 feel differently?23 A. I'm better known by the people who think I'm a liar --
24 people who didn't know who I was --

25 MS. HABBA: Objection. Your Honor, she is speaking to

01HQcar4

Carroll - Direct

1 what other people think.

2 THE COURT: Overruled.

3 Q. You can finish answering.

4 A. People who didn't know me from Adam. People who didn't
5 care about me, really don't care about this person, they now
6 have opinions about me, and that is that I'm a liar.

7 Q. Now, you testified earlier about your advice column for
8 *Elle* magazine. For how many years did you write that column?

9 A. 27 years.

10 Q. How does that compare to the length of other advice
11 columns?

12 A. It was the longest currently running advice column in
13 American publishing.

14 Q. When did you stop writing that column?

15 A. Two thousand -- at the end of 2019.

16 Q. Do you still write an advice column today?

17 A. Yes.

18 Q. How do you do that?

19 A. I publish it on Substack.

20 Q. Excuse my ignorance, what is Substack?

21 A. Substack is a platform where writers can publish directly
22 to their readers.

23 Q. When did you start publishing your advice column on
24 Substack?

25 A. 2021.

01HQcar4

Carroll - Direct

1 Q. Do you make money from publishing on Substack?

2 A. Yes.

3 Q. How does that work?

4 A. Well, I'm a writer. I have to feed the dogs and feed
5 myself. I earn my money by my writing, and so readers pay to
6 read my Substack, and also I have readers who can read it for
7 free.

8 Q. So how many readers do you have total? How many
9 subscribers do you have on Substack in total approximately?

10 A. Subscribers, so 28,000. I just checked this morning.

11 Q. About how many of those are paid subscribers?

12 A. 1,800.

13 Q. Has the number of your Substack -- has the number of your
14 subscribers on Substack increased since you started it?

15 A. Yes. Yes, it has.

16 Q. Have the number of your Twitter followers increased since
17 2019?

18 A. Yes.

19 Q. Do you earn any money from your followers on Twitter?

20 A. No.

21 Q. What does it mean, Ms. Carroll, to write freelance?

22 A. Freelance is where you send articles and pitch articles to
23 editors at magazines. So you're not under contract.

24 Q. And before June 2019, did you write articles freelance for
25 various magazines?

01HQcar4

Carroll - Direct

1 specify which year, please?

2 THE COURT: That is a proper question for
3 cross-examination unless counsel wants to go into it.

4 Q. Let me try to ask it this way. In the years 2017, 2018,
5 how much money, if you can recall, were you making from writing
6 freelance articles?

7 A. '17 and '18, probably 50,000 a year.

8 Q. How much did you make from writing freelance articles in
9 2023?

10 A. So far? 500,000 -- 500,000 -- \$500.

11 Q. Ultimately, Ms. Carroll, how did your book sell?

12 A. It was a dud.

13 Q. Now, you testified earlier about being asked to appear on
14 TV shows as an advice columnist. Do you recall that?

15 A. Yes.

16 Q. Do you still get asked to appear on TV shows as an advice
17 columnist?

18 A. No.

19 Q. When did that stop?

20 A. 2019.

21 Q. Last month, Ms. Carroll, did you happen to post any
22 messages on Twitter?

23 A. Yes.

24 Q. What kind of a message did you post on Twitter last month?

25 A. I posted dog videos, and I posted a Christmas message.

01IQcar1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x

4 E. JEAN CARROLL,

5 Plaintiff,

6 v.

7 20 CV 7311 (LAK)
Trial

8 DONALD J. TRUMP, in his
9 personal capacity,

10 Defendant.

11 -----x
12 New York, N.Y.
13 January 18, 2024
14 9:40 a.m.

15 Before:

16 HON. LEWIS A. KAPLAN,

17 District Judge
18 -and a Jury-
19 APPEARANCES

20 KAPLAN HECKER & FINK LLP
21 Attorneys for Plaintiff
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25 HABBA MADAIO & ASSOCIATES LLP
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MICHAEL T. MADAIO
PETER SWIFT
PETER GABRA

01IQcar3

Humphreys - Direct

1 A. Sure. So for this, I used a service that -- where you can
2 search newspapers, and I searched for Ms. Carroll's name and
3 the statement.

4 Q. And how many print articles did you find that shared the
5 June 21st or 22nd statement?

6 A. That was ten articles, again, in mainstream news like the
7 *Washington Post*, the *Chicago Tribune*, *USA Today*.

8 Q. How did you determine the total number of times that those
9 statements were read in those newspapers?

10 A. So, again, I added up the readers from each article to get
11 2.3 million impressions.

12 Q. Maybe you said this already, but how do you know how many
13 readers each of these newspapers has?

14 A. So, again, I consulted a third-party source that provides
15 those numbers for advertisers.

16 Q. And what was the total number of times that the June 21st
17 and 22nd statements were viewed in newspapers?

18 A. It was 2.3 million times.

19 Q. We just walked through several different forms of media.
20 Were you able to estimate the total number of times that
21 Trump's June 21st and 22nd statements were viewed in all of
22 those forms of media?

23 A. Yes. So here you add up each channel. For the social
24 media channel, you have an estimate between 25.3 and 7 million.
25 And then you add the others that were from publicly available

01IQcar3

Humphreys - Direct

1 sources to get a range between 104 million impressions and
2 85.8 million impressions.

3 Q. Were there any instances in which the statements may have
4 been seen or heard that your analysis didn't take into account?

5 A. Yes. So I started with just the articles in the complaint
6 in this case. I didn't include articles that were not in the
7 complaint that mentioned the statement. I also didn't include
8 entire platforms, such as Facebook or Reddit. I didn't include
9 television that wasn't in this database, so that would have
10 been local television. I also didn't include -- sometimes on
11 television that will be on YouTube, rebroadcast on YouTube, and
12 I didn't include those. I didn't include the mention of
13 statements on podcast, on radio, or word of mouth.

14 Q. For television, did you include broadcasts that referenced
15 or paraphrased the statements?

16 A. No, I included only direct locations.

17 Q. So in your opinion, was your total impression number likely
18 an undercount.

19 A. Yes, I considered it an undercount.

20 Q. Now, after estimating the number of times that Trump's
21 June 21st and 22nd statements were seen or heard, what did you
22 do next?

23 A. Next I needed to understand what impact, if any, did those
24 statements have on Ms. Carroll's reputation.

25 Q. I believe you said earlier that's called an impact

01IQcar5

Humphreys - Cross

1 A. This was an article that came across my newsfeed.

2 Q. Did you perform any analysis of what Ms. Carroll's
3 reputation was before June 2019?

4 A. Yes.

5 Q. And you stated she was a celebrated journalist **at** *Elle*
6 magazine, right?

7 A. Yes.

8 Q. Among other things?

9 A. Among other things.

10 Q. And you represented that Ms. Carroll reached about
11 4.5 million readers during her time at *Elle*, right?

12 A. Yes, that's the number that *Elle* gives for its circulation.

13 Q. Okay. And that number, the 4.5 million, that's from your
14 report, right, or you cite that in your report, correct?

15 A. I do, yeah.

16 Q. And in your report, you also state that you weren't able --
17 you were unable to find readership data prior to 2020. Isn't
18 that correct? I can refresh your recollection.

19 A. If you tell me what page. I don't argue with you. What
20 page is it?

21 Q. It's footnote 136.

22 THE COURT: What document, please?

23 MR. MADAIO: It's the October 14, 2022 report.

24 THE COURT: Plaintiff's 202. What's the footnote?

25 MR. MADAIO: Footnote 136, which is page 41.

01PQcar1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x

4 E. JEAN CARROLL,

5 Plaintiff,

6 v.

7 20 CV 7311 (LAK)
8 Trial

9 DONALD J. TRUMP, in his
10 personal capacity,

11 Defendant.

12 -----x
13 New York, N.Y.
14 January 25, 2024
15 9:50 a.m.

16 Before:

17 HON. LEWIS A. KAPLAN,

18 District Judge
19 -and a Jury-

20 APPEARANCES

21 KAPLAN HECKER & FINK LLP
22 Attorneys for Plaintiff
23 BY: ROBERTA ANN KAPLAN
24 SHAWN G. CROWLEY
25 MATTHEW J. CRAIG
JOSHUA MATZ

HABBA MADAIO & ASSOCIATES LLP
Attorneys for Defendant
BY: ALINA HABBA
MICHAEL T. MADAIO
PETER SWIFT
PETER GABRA

01PQcar1

Myers - Direct

1 sued, meaning, you know, she did the work. But I will say that
2 all of the journalists that worked for us did the work.

3 Q. Would you have hired an advice columnist or other
4 journalist who was not considered a truth-teller?

5 A. No.

6 Q. What role, if any, did you have in determining how much
7 Ms. Carroll was paid for writing her column?

8 A. All of it.

9 Q. Did the amount that Ms. Carroll was paid change during the
10 time you were editor-in-chief?

11 A. It did.

12 Q. In which direction?

13 A. I gave her a raise.

14 Q. Why did you decide to do that?

15 A. Well, because she was -- well, she was beloved by the
16 readers. I would say she was probably the most prominent
17 columnist -- she was the most prominent columnist that we had,
18 and I thought of her column as a sort of destination, meaning
19 people picked up the magazine and would often go to her column
20 first. That's what they told us in, you know, any number of
21 like ways that we would talk to our readers, it was something
22 that we discovered. But also because she's great. She's great
23 at her job.

24 Q. In your 30-plus years in the magazine industry, did you
25 have occasion to read advice columns written by other writers?

01PQcar1

Myers - Direct

1 A. I did.

2 Q. How would Ms. Carroll's column compare to those?

3 A. Well, I think that her column was sort of the leader of the
4 pack, and I think it actually inspired a lot of other
5 publications like ours and others not like ours, like, you
6 know, *New York* magazine to bring on, you know, sort of similar
7 talent, and, you know, try to follow E. Jean. And, look, I'm
8 not saying they weren't good at what they do, but, you know,
9 E. Jean I think probably did it the longest in terms of the
10 modern magazine world.

11 Q. Did Ms. Carroll's column run the entire 17 years you were
12 editor-in-chief?

13 A. Yes.

14 Q. Why did you leave *Elle* at year 17?

15 A. Because my contract was not renewed.

16 Q. When you left them, was Ms. Carroll still writing her
17 column?

18 A. She was.

19 Q. How would you describe its popularity at that moment in
20 time?

21 A. High. I mean, again, you know, she was still as popular as
22 she was, you know, when I started in 2000. Actually, her
23 popularity grew, so it was high.

24 MR. CRAIG: No further questions.

25 THE COURT: All right. Thank you. Cross. Ms. Habba.

01Q5car1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x

4 E. JEAN CARROLL,

5 Plaintiff,

6 v.

7 20 CV 7311 (LAK)

8 DONALD J. TRUMP, in his
9 personal capacity,

10 Defendant.

11 TRIAL

12 -----x
13 New York, N.Y.
14 January 26, 2024
15 9:38 a.m.

16 Before:

17 HON. LEWIS A. KAPLAN,

18 District Judge

19 APPEARANCES

20 KAPLAN HECKER & FINK LLP
21 Attorneys for Plaintiff
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23 SHAWN G. CROWLEY
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28 MICHAEL T. MADAIO
29 PETER SWIFT
30 PETER GABRA

01QQcar2

Summation - Ms. Kaplan

1 part is that those false denials and attacks have continued
2 during this trial. Last week, while Ms. Carroll was still on
3 the stand, Donald Trump walked out of this courtroom and then
4 out of the courthouse to hold a press conference. During that
5 press conference, while you were sitting in this jury box, he
6 told even more lies about Ms. Carroll.

7 Go ahead and play it.

8 (Video played)

9 MS. KAPLAN: He told a similar lie in his *Truth Social*
10 post you have up on the screens in front of you where he said
11 he never heard of her, never touched her and had nothing to do
12 with her. But he made his most damning statement, his most
13 reprehensible statement of all last Thursday. You could put
14 that up. He said, and I quote, "I've said it once and I'll say
15 it again, a thousand times, I never heard of E. Jean Carroll,
16 never touched her or in any way would want to touch her."

17 A thousand times? Are you kidding me? Donald Trump
18 has openly made it his mission to destroy Ms. Carroll's
19 reputation and credibility by lying about her, and that he's
20 prepared to keep doing it a thousand times unless you make him
21 stop.

22 And in figuring out what kind of damages would
23 actually cause Donald Trump to stop, to stop attacking
24 Ms. Carroll, there is another very important thing for you to
25 consider. As you have seen, Donald Trump is a very wealthy

01QQcar2

Summation - Ms. Kaplan

1 man. He has said that his brand alone is worth \$10 billion.
2 He said it's the hottest brand in the world. And that doesn't
3 include his other assets, which are also substantial. He
4 testified under oath in the case in the other deposition you
5 saw yesterday, that Mar-A-Lago is worth \$1.5 billion; that
6 another property in Florida, the Doral, is worth \$2 and a half
7 billion --

8 MR. MADAIO: Objection. Your Honor, these are not
9 personal assets she's referring to.

10 THE COURT: Overruled. The jury will remember the
11 testimony.

12 MS. KAPLAN: That's \$14 billion right there, ladies
13 and gentlemen. Donald Trump is prepared to use his wealth and
14 power to defame people whenever he wants. He ignored the last
15 jury verdict as if it had never happened. In fact, you heard
16 him brag on CNN that he thought he was now more popular as a
17 result. But that's not how this works. The law protects
18 people from defamatory attacks on their character, and it
19 allows an award of punitive damages to deter them from keeping
20 at it.

21 Indeed, while my cross-examination yesterday went very
22 fast, it did reveal one very important fact. At the first
23 trial between Ms. Carroll and Mr. Trump, the one where a jury
24 just like you determined that he had sexually assaulted her and
25 had defamed her, Donald Trump didn't even bother to show up.

01QQcar4

Rebuttal - Ms. Crowley

1 And at this moment I'm going to pause a minute. Andy
2 is going to give counsel a typewritten copy of my instructions.
3 Ladies and gentlemen, I should have said this at the beginning:
4 You will have them in writing in the jury room. You are
5 welcome to take notes or not to take notes. Everything I say
6 you will get in writing.

7 The second thing you must decide is whether Mr. Trump
8 should be required to pay Ms. Carroll punitive damages as well
9 as compensatory damages, and, if so, how much he should be
10 required to pay. Punitive damages are intended to punish a
11 defendant and to deter future defamatory statements.

12 I'm now going to discuss these remaining damages
13 issues in turn, with reference to the verdict form that you're
14 going to be using to decide the case.

15 A person who has been defamed is entitled to fair and
16 just compensation for the injury to her reputation and for any
17 humiliation and mental anguish in her public and private lives
18 that was caused by the defamatory statement in question.
19 Question 1 on the verdict form deals with such damages for
20 Mr. Trump's June 21 and 22, 2019 statements, which are in
21 evidence as Plaintiff's Exhibit 1 and 2, respectively.

22 For this question, you will award an amount that, in
23 the exercise of your good judgment and common sense, you decide
24 is fair and just compensation for the injury to Ms. Carroll's
25 reputation and the humiliation and mental anguish in her public

01QQcar4

Rebuttal - Ms. Crowley

1 and private lives which you decide was caused by Mr. Trump's
2 two statements to which I've already referred. In fixing that
3 amount, you should consider Ms. Carroll's standing in the
4 community, the nature of Mr. Trump's statements made about
5 her - the two statements in question - the extent to which
6 those statements were circulated, the tendency of those
7 statements to injure a person such as Ms. Carroll and all of
8 the other facts and circumstances of the case. Compensatory
9 damages can't be proved with mathematical accuracy. Fair
10 compensation may vary. It may range from one dollar, if you
11 decide that there was no injury at all, to a substantial sum if
12 you decide that the injury was substantial.

13 It is Ms. Carroll's burden to prove the nature and
14 extent of her damages and to prove that the damages were caused
15 by Mr. Trump's actions. You may award compensatory damages
16 only for those injuries that you find that Ms. Carroll has
17 proven by a preponderance of the evidence. We'll talk about
18 what that means later. Compensatory damages cannot be based on
19 speculation or sympathy. They must be based on the evidence
20 presented at trial and only on that evidence.

21 Further, you may not award compensatory damages more
22 than once for the same injury. For example, where a plaintiff
23 prevails on two claims and establishes that he or she is
24 entitled to \$100 in compensatory damages for one injury, the
25 plaintiff is not entitled to \$100 in compensatory damages also

01QQcar4

Rebuttal - Ms. Crowley

1 on the other claim but for the same injury. Of course, where
2 different injuries are attributed to the separate claims, a
3 person is entitled to be compensated fully for all of the
4 injuries.

5 Now, during her opening statement, Mr. Trump's
6 attorney asserted Ms. Carroll had a duty to mitigate or
7 minimize any damage that she suffered as a consequence of
8 Mr. Trump's statements in this case, the statements we're
9 concerned with. That statement was not correct. A person who
10 is defamed has no duty to mitigate or minimize any harm caused
11 to that person by the defamation. A person who defames a
12 plaintiff is liable to the plaintiff for all damages caused to
13 the plaintiff by the defamation.

14 In addition, the harm, if any, that Mr. Trump caused
15 to Ms. Carroll's reputation by his defamatory statements is not
16 mitigated or reduced or offset by any benefit to her reputation
17 that Mr. Trump may claim that his defamatory statements or
18 Ms. Carroll's allegations against him caused in some parts of
19 the community. You are not to consider any reputational
20 benefits, if any, in deciding on a damage award in this case.

21 Now, question 1 pertains to compensatory damages for
22 the two statements we're concerned with. And I've broken it
23 into two parts. The first part asks you whether Ms. Carroll
24 has proved by a preponderance of the evidence that she suffered
25 more than just nominal damages from Mr. Trump's June 21 and 22,

01QQcar4

Rebuttal - Ms. Crowley

1 2019 statements -- meaning that she was injured by those
2 statements in any of the respects that I've just described to
3 an extent warranting damages of more than a dollar. That is
4 the "yes" or "no" question. If the answer is "yes," you then
5 will fill in the amount you award for all defamation
6 compensatory damages attributable to the June 21 and 22
7 statements, excluding the reputation repair program that was
8 discussed during Professor Humphreys' testimony. And then you
9 will fill in the amount of damages, if any, that you award for
10 the reputation repair program for the June 21 and 22, 2019
11 statements in the second part of the first question.

12 On the other hand, if your answer to the first part of
13 question 1 is no; in other words, if you determine that
14 Ms. Carroll has not proved by a preponderance of the evidence
15 that she suffered more than nominal damages as a result of
16 Mr. Trump's June 21 and June 22 statements, then you will write
17 down \$1 on the second line of question 1, and you will leave
18 the third line blank.

19 Regardless of your answer to question 1, you will go
20 on to question 2.

21 In addition to seeking compensatory damages, which I
22 just covered in discussing question 1, Ms. Carroll asks also
23 that you award punitive damages. Punitive damages may be
24 awarded for defamation to punish a defendant who's acted
25 maliciously and to deter him and others from doing the same.